

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

RESCUE UNION SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH Case No. 2014040279

ORDER GRANTING REQUEST FOR
CONTINUANCE AND SETTING
PREHEARING CONFERENCE AND
HEARING DATES

On April 15, 2014, Student filed a request to continue this matter¹. Student requests a short continuance for the hearing in this matter to June 3-5, 2014. Student has requested the continuance because Student and Mother will be out of state the week before the currently scheduled prehearing conference and unavailable to assist in the preparation for hearing and because of Student's significant needs stemming from a congenital medical condition which require family support make attendance at a due process hearing for a full day impossible for the Parents until Student's older sister is out of school for the summer. On April 17, 2014, the Rescue Union School District filed an opposition to the continuance request. There have been no prior continuances in this matter.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) The Office of Administrative Hearings considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of

¹ The Office of Administrative Hearings received the request for continuance after normal business hours on April 14, 2014 and therefore the request is deemed received on April 15, 2014.

justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is:

☒ Granted. All dates are vacated. This matter will be set as follows:

Prehearing Conference:	June 6, 2014, at 1:00 p.m.
Due Process Hearing:	June 17, 2014, at 9:30 a.m., and June 18 and 19, 2014, at 9:00 a.m., and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

DATE: April 18, 2014

/s/
MARGARET BROUSSARD
Administrative Law Judge
Office of Administrative Hearings